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90-1031

No. _____

Supreme Court, U.S.
FILED

DEC 26 1990

JOSEPH F. SPANIO, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1990

JACK HALLER,

Petitioner,

-v-

DONALD BORROR, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT

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QUESTION PRESENTED FOR REVIEW

Did the Court below err in concluding that the Ohio statute of limitations for actions that cause bodily injury applies to actions brought pursuant to 42 U.S.C. §§1983 and 1985 contrary to this Court's decision in Owens v. Okure, ___ U.S. ___, 109 S.Ct. 573 and contrary to decisions of federal appellate courts.

PARTIES INVOLVED IN THE PROCEEDINGS

Petitioner:

Jack Russell Haller

Respondents:

Donald Borrer
Alphonse Montgomery
Dwight Joseph
David A. Dailey
Robert Snyder
Dennis Matco
O'Reeta Reed
Michael See
Bruce Koenig
The City of Columbus, Ohio
David Johnson
Daniel Abraham
Michael Miller

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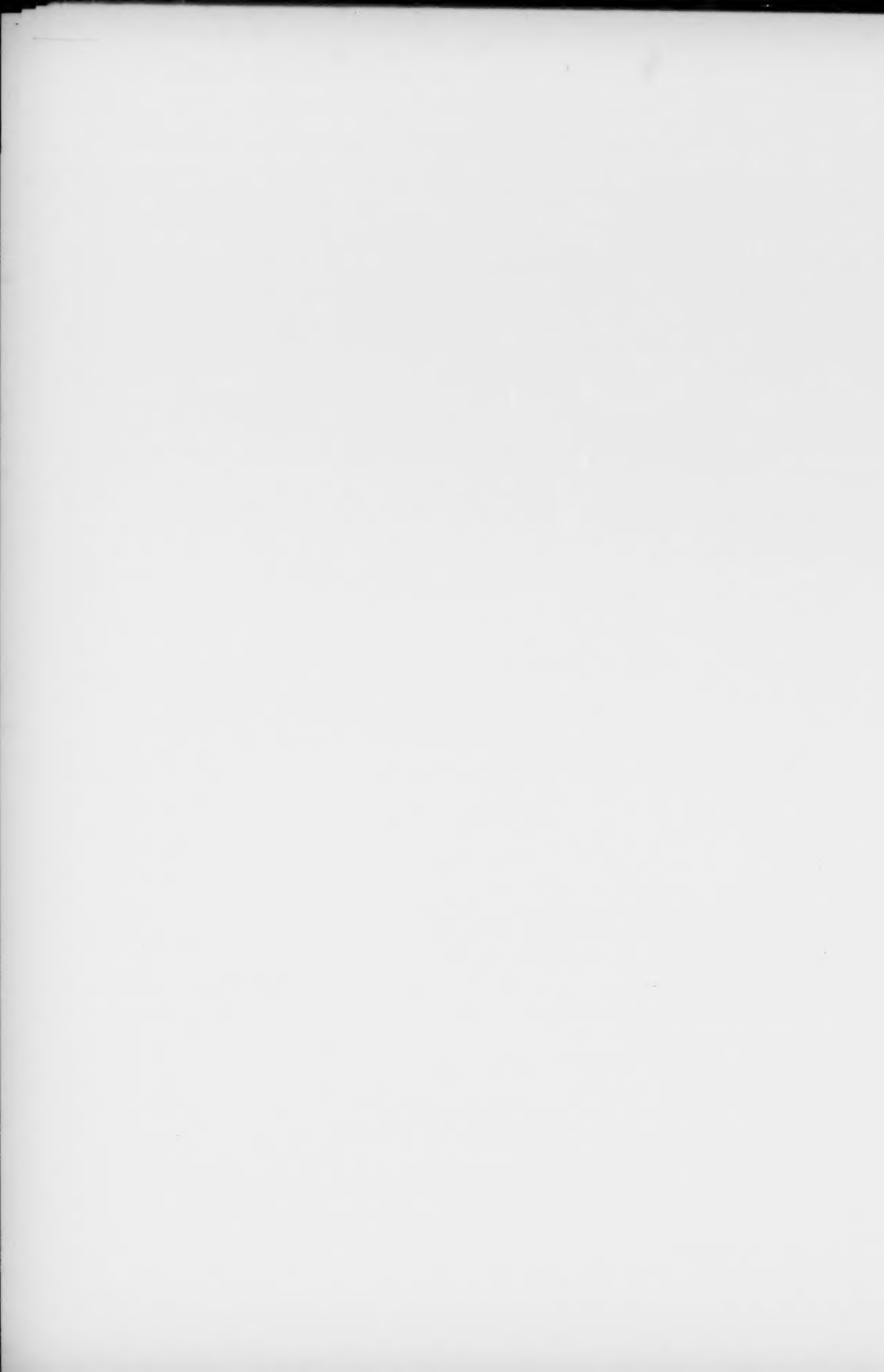
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GROUND'S UPON WHICH JURISDICTION OF
THIS COURT IS INVOKED

OPINION BELOW

The opinion of the Sixth Circuit Court of Appeals from which review is sought is unpublished and appears in the Appendix to this Petition (App.-1).

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1). Petitioners seek a review of a decision of the Sixth Circuit Court of Appeals that was rendered on September 17, 1990 (App.-1).



STATUTES INVOLVED IN THIS CASE

42 U.S.C. §1983

42 U.S.C. §1985

O.R.C. §2305.09

O.R.C. §2305.10

O.R.C. §2305.11(A)

West's Ann. Cal. C.C.P. §340

West's Ann. Cal. C.C.P. §343

Wisc. Stat. Ann. §893.53

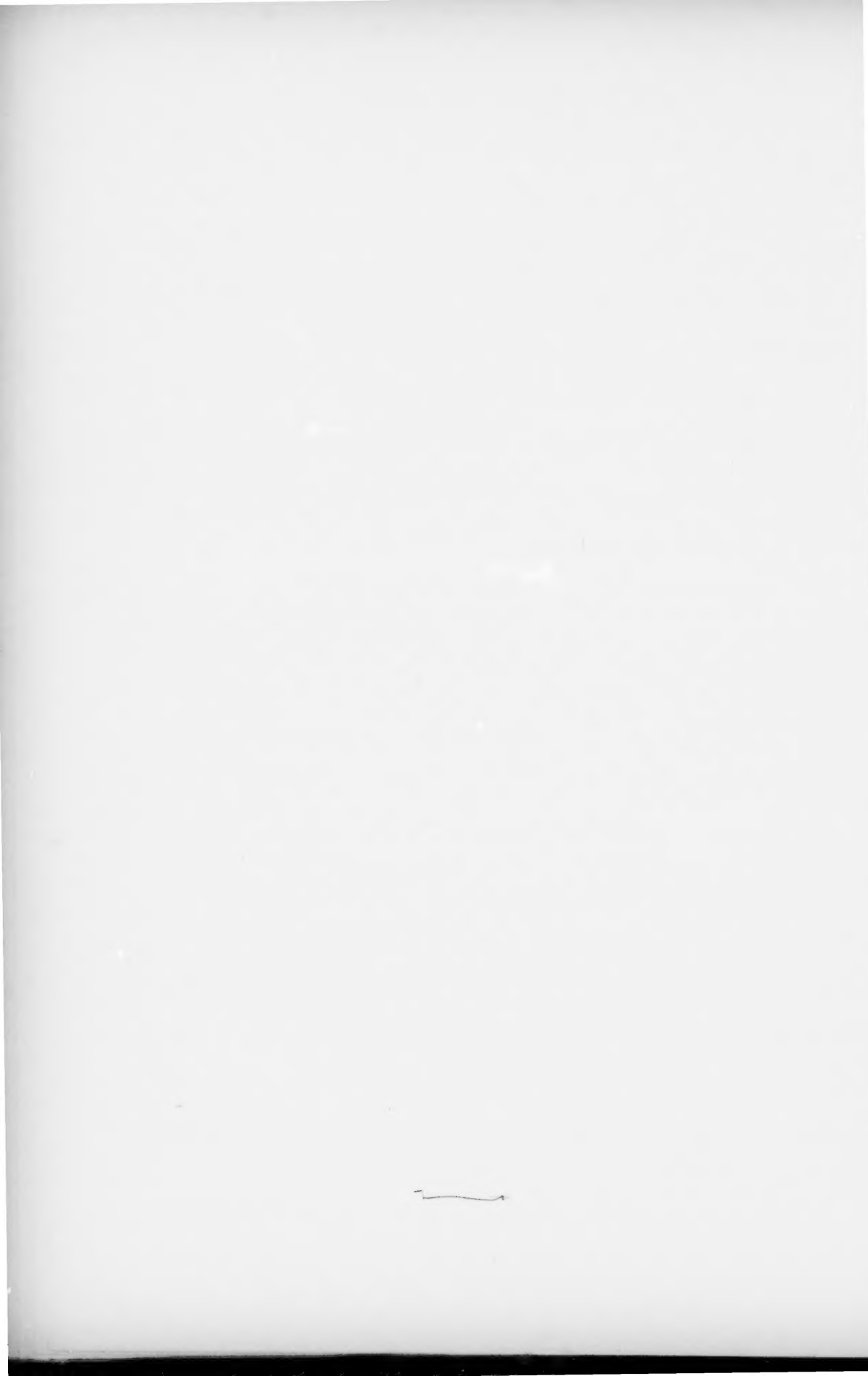
Wisc. Stat. Ann. §893.54



STATEMENT OF THE CASE

Plaintiff-Petitioner Jack Haller filed a complaint on June 21, 1989, in which he alleged that Defendants-Respondents Donald Borrer, the City of Columbus and officials of the Columbus Department of Public Safety denied him his constitutional right to due process, right to a fair and speedy trial, and the right to the effective assistance of counsel, in violation of 42 U.S.C. §§1983 and 1985 and state torts. The last violation of 42 U.S.C. §§1983 and 1985 occurred on February 26, 1987. Haller v. Borrer, ____ F.Supp. ____ (S.D. Ohio 1989), (App.-5). Thus, this case was filed over two years after the last violation of federal law.

Federal District Court Judge Graham in an order dated October 18, 1989 dismissed the case, holding that pursuant to the decision of the Sixth Circuit Court of Appeals in Browning v. Pendleton, 869 F.2d 989 (6th Cir. 1989) (en banc), the two year statute of limitations for "bodily injury" set forth in Ohio Rev. Code



§2305.10 applied to claims brought pursuant to 42 U.S.C. §§1983 and 1985 (App.-10-14). Judge Graham then declined to exercise jurisdiction over state pendent claims.

The Court of Appeals for the Sixth Circuit in an unreported order, dated September 27, 1990, affirmed the district court's dismissal of this case. Haller v. Borrer, ___ F.2d ___, Case No. 89-4004 (App.-1).¹

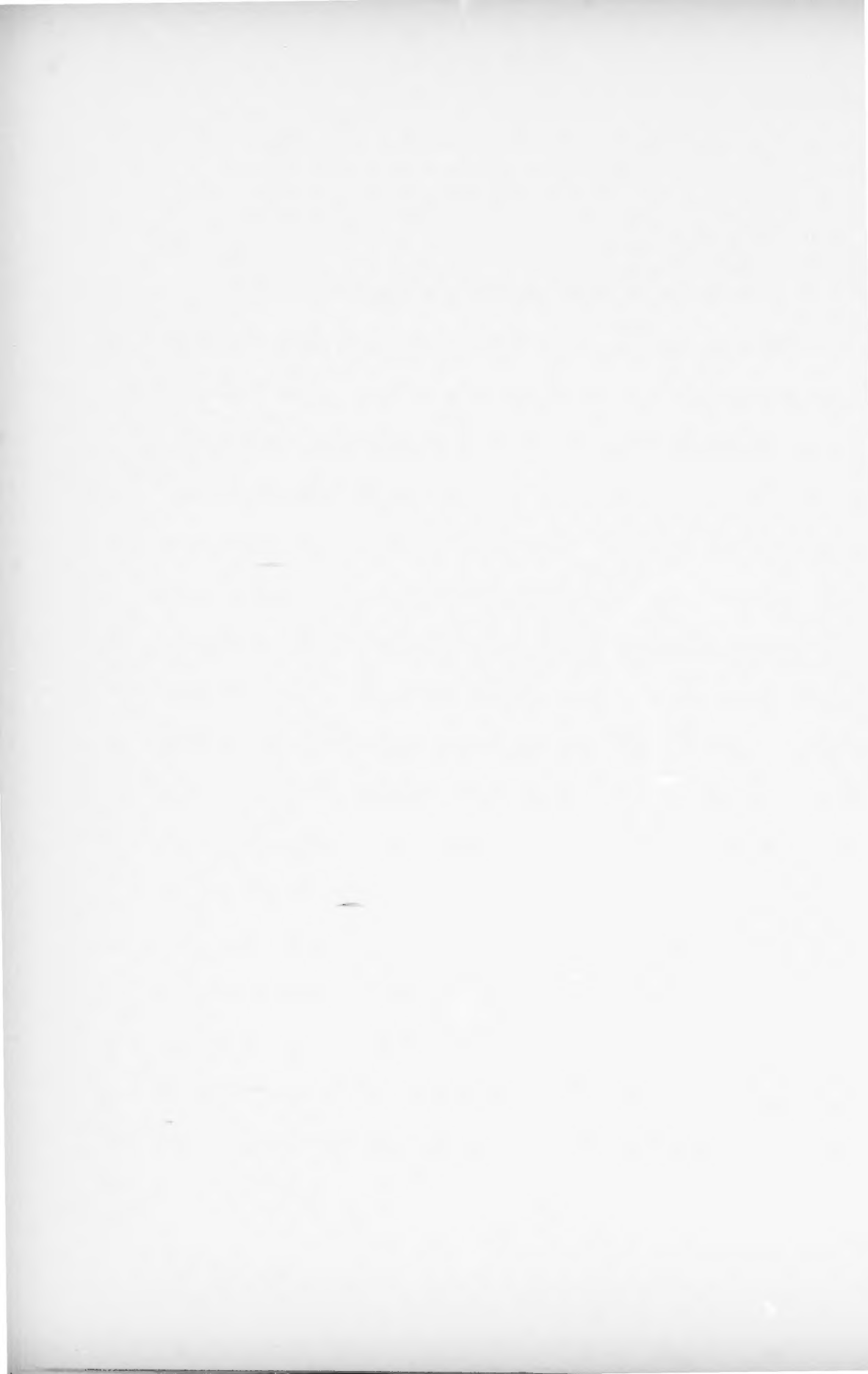
¹The Sixth Circuit Court of Appeals relied in the case at bar on its decision in Browning v. Pendleton, supra, which was decided soon after this Court's decision in Owens v. Okure, ___ U.S. ___, 109 S.Ct. 573 (1989). Plaintiffs in Browning urged a two year statute of limitations (2305.10), that covers actions for "bodily injury", whereas defendants had argued for a one year statute (Ohio Rev. Code Section 2305.11(A)), that applied to certain specific intentional torts. The Court of Appeals selected the two year statute. The parties did not argue that the four year residual statute [Ohio Rev. Code Section 2305.09(D)], applicable to actions for "injury to the rights of the plaintiff" applied to Section 1983 cases. Thus, the Court of Appeals in Browning did not consider Ohio Rev. Code Section 2305.09(D) in arriving at its decision.



ARGUMENT

THE SUPREME COURT'S DECISION IN OWENS V. OKURE MANDATES THAT THE FOUR YEAR STATUTE OF LIMITATIONS IN OHIO REV. CODE §2305.09(D) BE THE APPLICABLE STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT PURSUANT TO 42 U.S.C. §§1983 AND 1985 IN THE STATE OF OHIO.

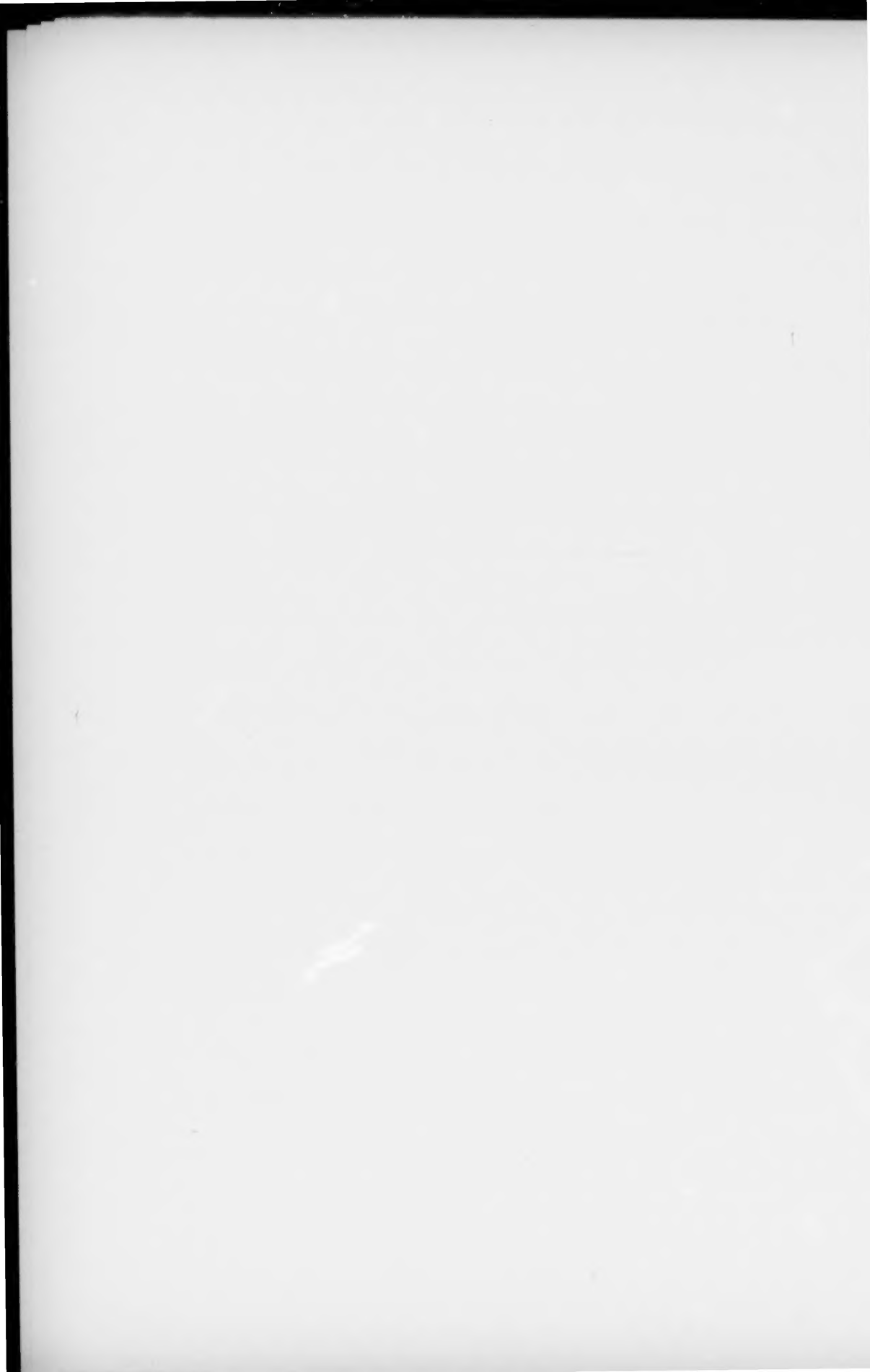
The Sixth Circuit Court of Appeals affirmed the district court's dismissal of the instant case, because the Court had previously ruled in Browning v. Pendleton, supra, that the two-year statute of limitations for "bodily injury" was the general or residual statute of limitations for personal injuries and therefore applied to civil rights actions under 42 U.S.C. §§1983 and 1985. The Court of Appeals erred because the statute of limitations for "bodily injury" is not the general or residual statute of limitations on personal injuries. Rather, it is one of several statutes of limitations for personal injuries in Ohio. This Court should grant certiorari to clarify the meaning of Owens v. Okure, supra. Furthermore, this Court must prevent courts from using as statutes of



limitations for cases brought under 42 U.S.C. §1983 specific personal injury statutes that do not cover the wide spectrum of civil rights claims.

This Court has held that in determining the statute of limitations for cases brought under 42 U.S.C. §1983, federal courts should use the most analogous state statute of limitations. Wilson v. Garcia, 471 U.S. 261, 268, 105 S.Ct. 1938, 1942 (1985).

In Owens v. Okure, ___ U.S. ___, 109 S.Ct. 573 (1989), this Court held that civil rights violations are analogous to state personal injury torts. Thus, if a state has one statute of limitations that covers all personal injury torts, that statute would apply to cases brought under 42 U.S.C. §1983. However, as this Court pointed out, all states have multiple intentional tort and multiple personal injury statutes of limitations. Owens v. Okure, supra, 109 S.Ct. at 578. This Court rejected the application of the intentional tort approach



and, in order to provide "ease and predictability in all 50 States," the Court enunciated the following rule for determination of a statute of limitation for §1983 actions:

where state law provides multiple statutes of limitations for personal injury actions, courts considering Section 1983 claims should borrow the general or residual statute for personal injury actions.

Owens v. Okure, supra, 109 S.Ct. at 582.

This Court reasoned that the statute of limitations must be broad enough to cover such claims as employment discrimination, denial of a job or benefit because of the denial of due process, indifference to the medical needs of prisoners, the seizure of property without advance notice, denial of the right to privacy, interference with First Amendment rights, and intentional abuse by government officials. See, Owens v. Okure, supra, 109 S.Ct. at 581. Only the state general or residual personal injury statute could cover the "wide spectrum" of claims encompassed by Section 1983.

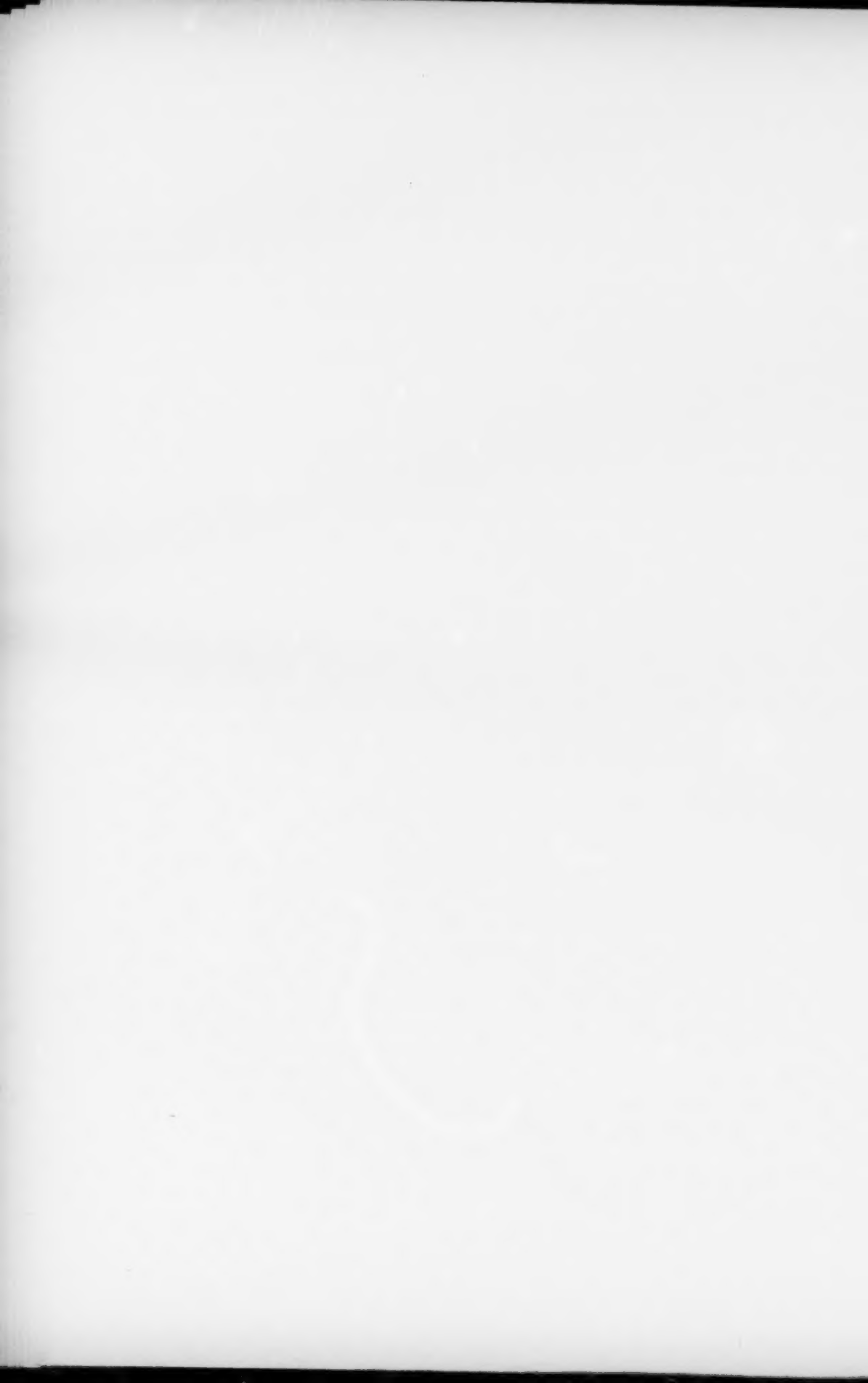
This Court discussed Ohio's three specific



statutes of limitations that cover personal injuries: Ohio Rev. Code Section 2305.10, covering "bodily injury"; Section 2305.11(A), covering "libel, slander, malicious prosecution, or false imprisonment"; and Section 2305.111, covering "assault and battery". Owens v. Okure, supra, 109 S.Ct. at 578. None of these statutes applies to the "wide spectrum" of civil rights claims. Therefore, the residual or general personal injury statute of limitations, §2305.09(D), is the most appropriate and analogous to Section 1983 actions in Ohio.

In rejecting the application of these types of specific personal injury statutes of limitations, this Court stated:

In marked contrast to the multiplicity of state intentional tort statutes of limitations, every State has one general or residual statute of limitations governing personal injury actions. Some States have a general provision which applies to all personal injury actions with certain specific exceptions. . . . Others have a residual provision which applies to all actions not specifically provided for, including personal injury actions. . . .



Owens v. Okure, supra, 109 S.Ct. at 580
[footnotes omitted].

The Sixth Circuit Court of Appeals, contrary to this Court's direction, held that the Ohio two year statute of limitations for "bodily injury" (Ohio Rev. Code §2305.10) applied to §1983 actions.

Ohio Rev. Code §2305.10 is not a general or residual statute of limitations that covers all or even most civil rights actions. Many civil rights actions do not involve "bodily injury" -- e.g. denial of the right to a speedy trial, denial of due process, employment discrimination, invasion of the right to privacy. §2305.10 is more analogous to cases in which plaintiffs allege that the defendant's negligence caused bodily injury. See, Love v. City of Port Clinton, 37 Ohio St.3d 98, 524 N.E.2d 166, 167 (1988). "Bodily injury" is not the same as "personal injury" and in fact covers only a portion of injuries to the person.

The residual Ohio statute of limitations

for personal injuries is Ohio Rev. Code §2305.09(D), which states that actions shall be brought within four years "for an injury to the rights of the plaintiff not arising on contract nor enumerated in section 2305.10 to 2305.12 inclusive, 2305.14 and 1304.29 of the Revised Code." It is almost identical in language to this Court's example of a personal injury residual statute which should be applied to cases brought under §1983: "(a)ny injury to the person or rights of another not arising from contract and not specifically enumerated." Owens, supra, 109 S.Ct. at 580, n. 9.

Ohio Rev. Code §2305.09(D) is the one personal injury residual statute of limitations in Ohio. Certainly, parties could not be expected to assume that a statute of limitations that applies to only "bodily injuries" would apply to all civil rights actions. The uncertainty of the applicable statute of limitations, even after the Sixth Circuit handed down its decision in Browning, supra, has



spawned considerable litigation. See, for instance, Lundblad v. Celeste, 874 F.2d 1097 (6th Cir. 1989), Thomas v. Shipka, 872 F.2d 772 (6th Cir. 1989); and Valerio v. Dahlberg, 716 F.Supp. 1031, 1042 (S.D. Ohio 1988).

Ohio courts have indicated that all personal injuries are not covered by the "bodily injury" statute of limitations. Ohio courts have applied the four year state residual statute of limitations [Ohio Rev. Code §2305.09 (D)] to various types of personal injuries analogous to claims under Section 1983. For instance, Ohio courts have held that the state residual statute of limitations applies to claims for loss of consortium, intentional infliction of emotional distress, and invasion of the right to privacy. Yeager v. Local Union 20, 6 Ohio St.3d 369, 453 N.E.2d 666, 672 (1983) (intentional infliction of emotional distress claim); Holzwart v. Wehman, 1 Ohio St.3d 26, 437 N.E.2d 589, 590 (1982) (loss of consortium claim); and Morgan v. Hustler Magazine, Inc.,



653 F.Supp. 711, 716 (N.D. Ohio 1987) (invasion of the right to privacy claim). The torts of intentional infliction of emotional distress and invasion of the right to privacy are analogous to such civil rights violations as employment discrimination, denial of due process, and mistreatment of prisoners. Therefore, such state torts are often joined in suits with federal civil rights claims. See, for instance, Valerio v. Dahlberg, supra, 716 F.Supp. at 1040-1041.

The decision of the Court of Appeals in the instant case is inconsistent with the decisions of numerous other federal appellate courts. Other federal courts of appeals have held that state statutes of limitations that govern injury to the persons or to the rights of persons apply to actions brought under Section 1983. See, for instance, Cito v. Bridgewater Township Police Department, 892 F.2d 23, 25 (3rd Cir. 1989); Gray v. Lacke, 885 F.2d 399, 407 (7th Cir. 1989), cert. denied, ___U.S.___, 110 S.Ct. 1476

(1990); Callwood v. Questel, 883 F.2d 272, 274 (3rd Cir. 1989); Kalimara v. Illinois Department of Corrections, 879 F.2d 276 (7th Cir. 1989); Del Percio v. Thornsley, 877 F.2d 785, 786 (9th Cir. 1989); Jones v. Preuit & Mauldin, 876 F.2d 1480, 1484 (11th Cir. 1989) (en banc); Cooper v. City of Ashland, 871 F. 2d 104, 105 (9th Cir. 1989); Perez v. Seevers 869 F.2d 425, 426 (9th Cir. 1989), cert. denied, ___U.S.___, 110 S.Ct. 172 (1989); and Elzy v. Roberson, 868 F.2d 793, 794 (5th Cir. 1989).

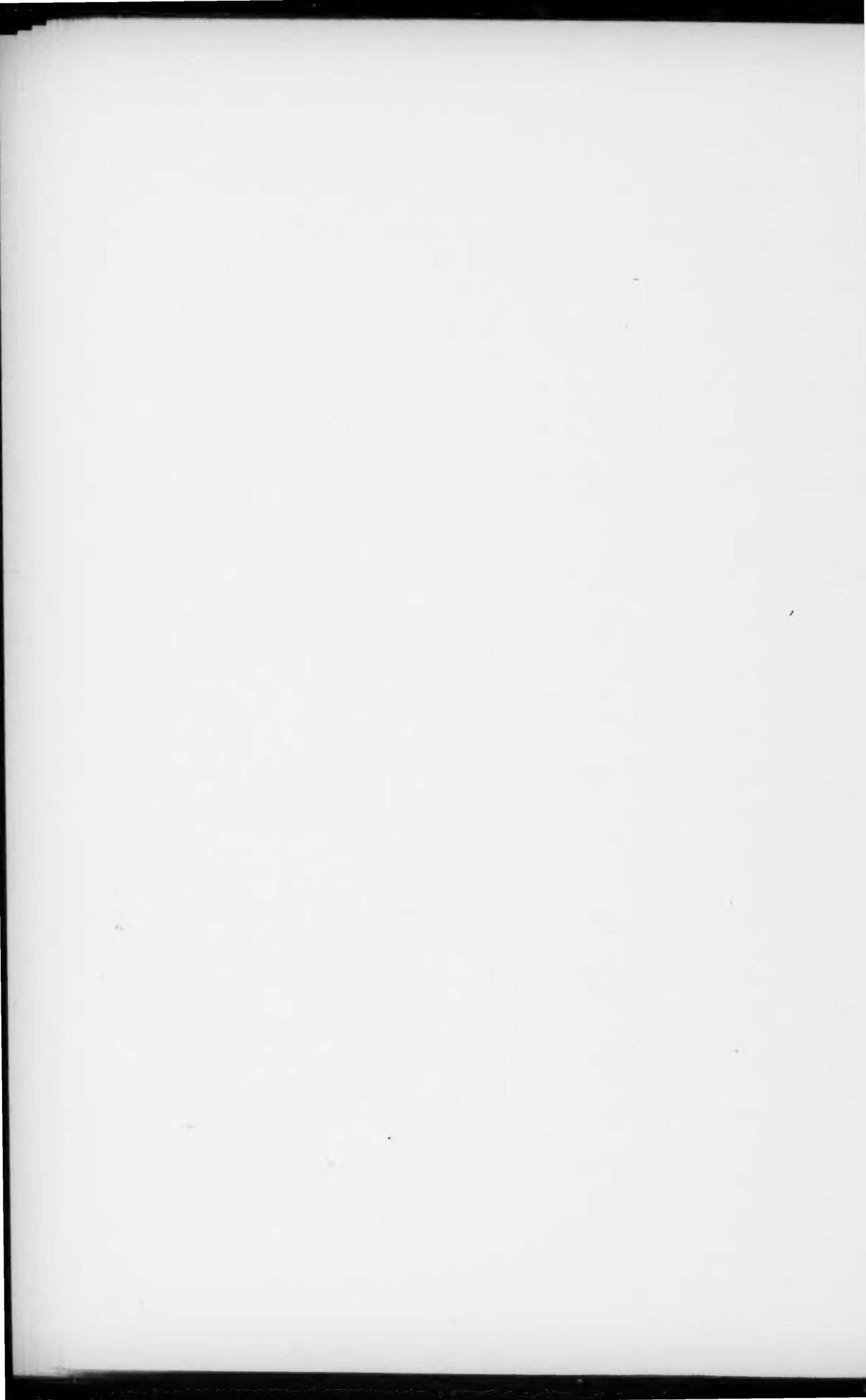
The Third Circuit Court of Appeals adopted a statute of limitations for actions brought under Section 1983 that applies to an "action...for any injury to the...rights of another". Callwood v. Questel, supra, 883 F.2d at 274, n.2. This statute of limitations is almost identical to Ohio Rev. Code 2305.09(D), which covers "an injury to the rights of the plaintiff".

All of the above courts used personal injury statutes that would apply to all civil



rights actions in order to determine the applicable statute of limitations for Section 1983. Some of the courts rejected statutes of limitations that governed claims for which there was no other statute of limitations. See, for instance, Del Percio v. Thornsley, supra and Cito v. Bridgewater Township Police Department, supra. As the Ninth Circuit Court of Appeals stated, the broad catch-all section in the California law that governs "actions for relief not hereinbefore provided for" could not apply to Section 1983 cases, as all personal injury actions were "provided for" in another statute. Del Percio v. Thornsley, supra, 877 F.2d at 786, n. 3. See, West's Ann. Cal.C.C.P. Sections 340 (1) and 343.

The holding by the Sixth Circuit Court of Appeals that actions for "bodily injury" are most analogous to Section 1983 civil rights actions is particularly contrary to a ruling by the Seventh Circuit Court of Appeals. The Seventh Circuit Court of Appeals held that the



Wisconsin six year statute of limitations governing actions "to recover damages for an injury to the character or rights of another, not arising in contract...." applied to actions brought pursuant to Section 1983. Gray v. Lacke, 885 F.2d at 407-408. See, Wisc. Stat. Ann. §893.53.

The Seventh Circuit Court of Appeals rejected the three year statute of limitations that governed actions for personal injuries, because the statute of limitations for actions for injury to the rights of another was "broader" than that for personal injury actions. Gray v. Lacke, 885 F.2d at 408. See, Wisc. Stat. Ann. §893.54. As the Seventh Circuit Court stated, "(t)he broad language of the personal rights statute of limitations is also consistent with the purpose of Section 1983, which is to provide a remedy for a 'wide spectrum of claims' that include more than just bodily injury. Owens, 109 S.Ct. at 581." Gray v. Lacke, 885 F.2d at 408.

Thus, the Seventh Circuit Court of Appeals recognized, unlike the Sixth Circuit Court of Appeals, that civil rights violations do not involve just "bodily injuries", and that Owens, supra, requires that the statute of limitations for Section 1983 cover the "wide spectrum" of civil rights claims. Owens v. Okure, supra, 109 S.Ct. at 581.²

² Contrast Gray v. Lacke, supra, with Collard v. Kentucky Board of Nursing, in which the Sixth Circuit Court of Appeals held that a Kentucky state statute of limitations covering "personal injuries" should be applied to civil rights claims rather than the statute of limitations covering "personal rights". Collard v. Kentucky Board of Nursing, 896 F.2d 179, 182 (6th Cir. 1990). The Court's decision in Collard, supra, was based on this Court designating "personal injury statutes", rather than "personal rights" statutes, as the benchmark for establishing the §1983 statute of limitations. Collard v. Kentucky Board of Nursing, supra, 896 F.2d 179 at 182.



CONCLUSION

The Sixth Circuit Court of Appeals has not followed this Court's mandate in Owens v. Okure, supra, to use a state residual personal injury statute of limitations for actions brought under 42 U.S.C. §1983 and §1985. This Court should therefore grant the petition for certiorari and summarily reverse the decision by the Court of Appeals, based on Owens v. Okure, supra. In the alternative, this Court should grant the petition for certiorari and set the case down for argument so that the Court may resolve any uncertainties caused by Owens and to resolve conflicts among the Circuit Courts of Appeals as to what Owens means.

Respectfully submitted,

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No. 89-4044

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JACK RUSSELL HALLER,

Plaintiff-Appellant,

v.

DONALD BORROR; ALPHONSE
MONTGOMERY; DWIGHT JOSEPH;
DAVID A. DAILEY; ROBERT
SNYDER; DENNIS MATCO; O'REETA
REED; MICHAEL SEE; BRUCE
KOENIG; THE CITY OF COLUMBUS,
OHIO; DAVID JOHNSON; DANIEL
ABRAHAM; MICHAEL MILLER,

Defendants-Appellees.

O R D E R

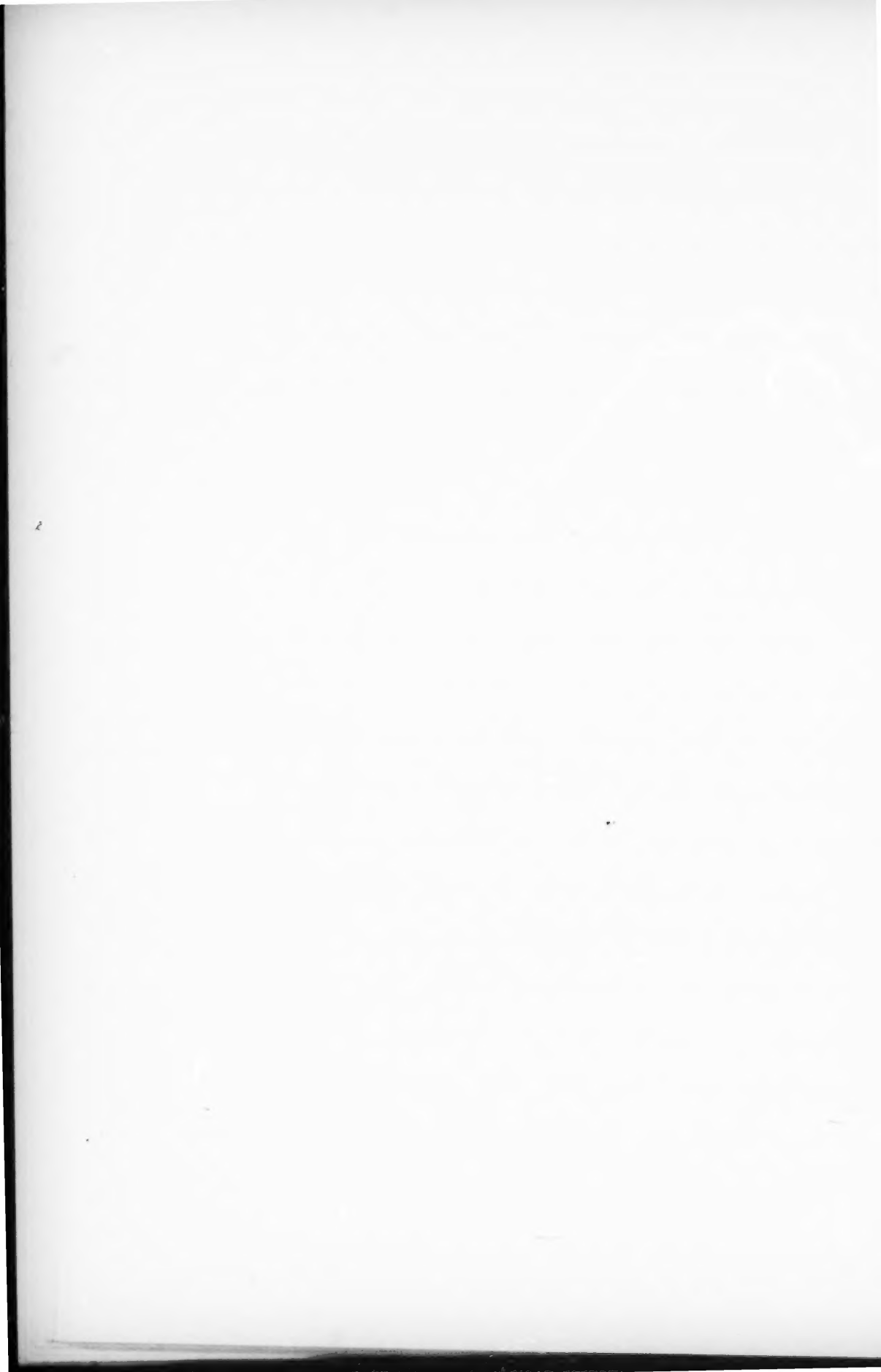
BEFORE: MILBURN, BOGGS and SUHRHEINRICH,
Circuit Judges.

Jack Russell Haller, through counsel, appeals the district court's judgment dismissing his civil rights action filed pursuant to 42 U.S.C. § 1983 and § 1985. The case has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon examination of the record and briefs, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).



Seeking monetary, declaratory, and injunctive relief, Haller sued several local, county, and federal officials, as well as a private citizen, alleging violations of various constitutional rights. Haller also alleged several pendent state claims. The district court dismissed Haller's federal claims as barred by the statute of limitations and subsequently dismissed the pendent state claims. Haller filed a timely appeal.

Upon review, we conclude that the district court properly dismissed Haller's claims, as it appears beyond doubt that Haller can prove no set of facts which would entitle him to relief. Scheid v. Fanny Farmer Candy Shops, Inc., 859 F.2d 434, 436 (6th Cir. 1988). The two year statute of limitations set forth in Ohio Rev. Code § 2305.10 applies to Haller's claims filed under 42 U.S.C. § 1983 and § 1985. Browning v. Pendleton, 869 F.2d 989, 990 (6th Cir. 1989) (en banc). The district court properly determined that the latest date Haller could have



"discovered" his cause of action was February 26, 1987, see Hicks v. Hines, Inc., 826 F.2d 1543, 1544 (6th Cir. 1987); therefore, the statute of limitations had expired by the time Haller filed suit on June 21, 1989. Since Haller has not alleged that he was being held in a county jail or the Ohio correctional system prior to trial, Ohio's tolling statute, Ohio Rev. Code § 2305.16, does not apply. See Austin v. Brammer, 555 F.2d 142, 143 (6th Cir. 1977). Lastly, the district court properly dismissed Haller's pendent state claims. See Foster v. Walsh, 864 F.2d 416, 419 (6th Cir. 1988).

Accordingly, we affirm the district court's judgment for these reasons and those set forth in the district court's order filed on October 18, 1989. Rule 9(b)(5), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

_____/s/ Leonard Green_____
Clerk



App.-4

ISSUED AS MANDATE: October 19, 1990
COSTS: None



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jack R. Haller,

Plaintiff,

vs.

Case No. C2-89-538

JUDGE GRAHAM

Donald A. Borrer, et al.,

Defendants.

ORDER

In an order dated August 31, 1989, this Court noted that the gist of plaintiff's 42 U.S.C. §1983 action appeared to be the claimed violation of his constitutional rights by malicious prosecution of a criminal case. The Court further noted that the complaint alleged that the criminal prosecution in question had not yet terminated and that accordingly one of the elements of a claim for malicious prosecution under the law of the State of Ohio was missing. Such an analysis would lead to a dismissal of the complaint. See: Coogan v. City of Wixom, 820 F.2d 170, 174 (6th Cir. 1987). Thus, the Court ordered the plaintiff to

show cause why this case should not be dismissed for failure to state a claim upon which relief can be granted.

On September 11, 1989, plaintiff filed his response to the Court's Order. In his response, plaintiff does not contest the Court's tentative conclusion that his malicious prosecution claims must be dismissed. He argues instead that his complaint "does not merely allege malicious prosecution as contended by this Court but rather alleges inter alia that the Defendant's [sic] engaged in activities and/or conduct in an attempt to deprive him of his constitutional rights to due process, fair trial, effective assistance of counsel, speedy trial, false arrest, abuse of process, right of privacy and right to be protected against unreasonable searches and seizures. Even if convicted on retrial, Plaintiff still has a cause of action against these Defendants."

If defendants' complaint were construed so as to state claims under 42 U.S.C. §1983 other



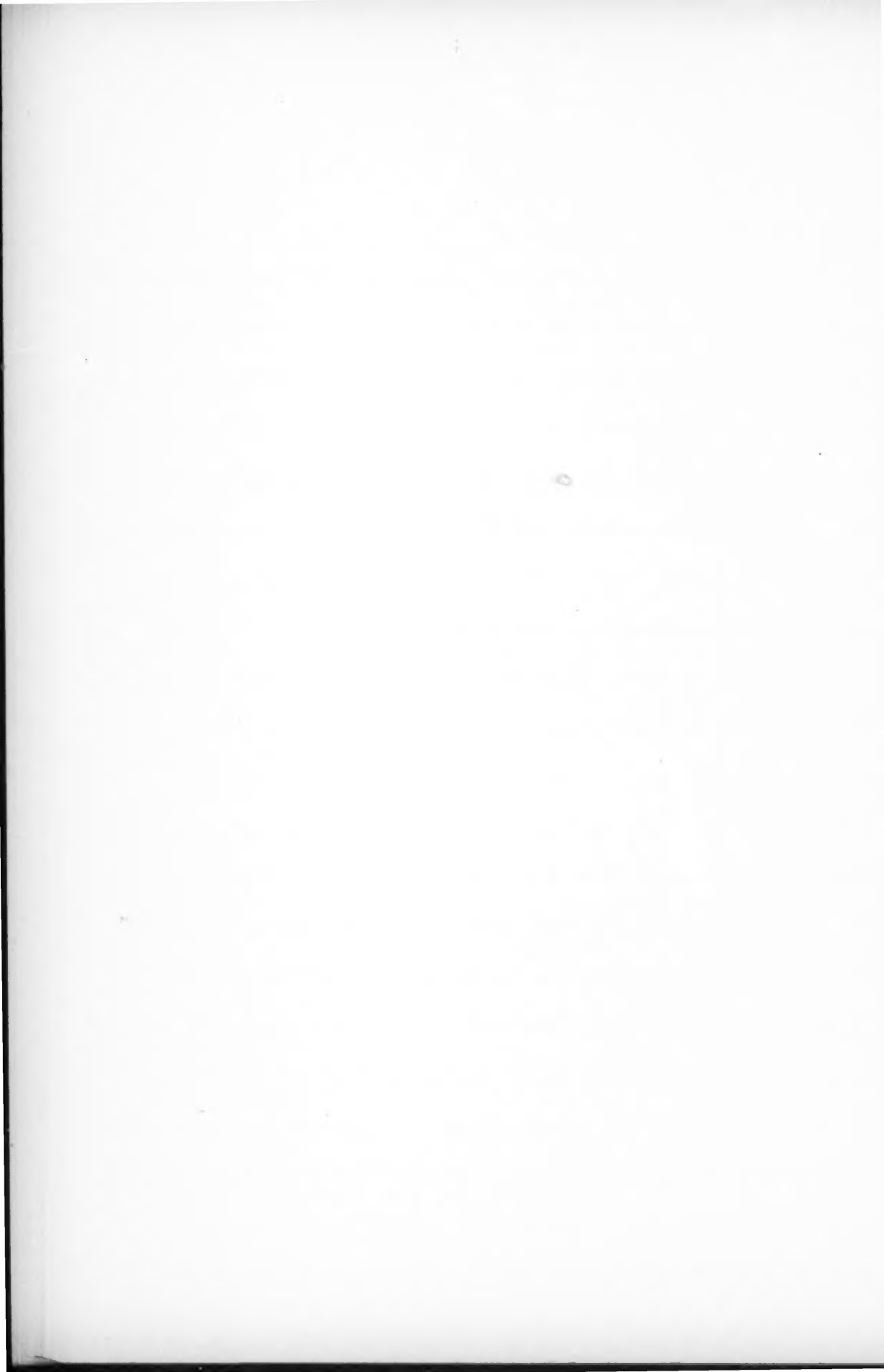
than claims for malicious prosecution, such claims would be barred by the statute of limitations. The complaint recites a litany of improper conduct attributed to the defendants in connection with plaintiff's indictment and prosecution on a charge of extortion. All of these alleged actions occurred prior to or during the trial of that case which plaintiff alleges concluded on February 26, 1987. This lawsuit was not filed until June 21, 1989, some two years and four months after the end of the trial. Clearly, all of the conduct complained of by the plaintiff occurred over two years before this suit was filed.

In Browning v. Pendleton, 869 F.2d 989 (6th Cir. 1989) the Sixth Circuit held that the statute of limitations for 42 U.S.C. §1983 civil rights actions arising in Ohio is two years. The City of Columbus defendants have asserted the statute of limitations as a defense as has defendant Borrer. Defendant Johnson has filed a motion to dismiss on the grounds of the



statute of limitations.

In accordance with the foregoing discussion and in accordance with the discussion contained in this Court's Order of August 31, 1989, the Court concludes that with respect to plaintiff's attempt to state federal claims, his complaint fails to state claim upon which relief can be granted. His alleged malicious prosecution claim is premature because he has not and apparently cannot allege that the prosecution terminated in his favor. If the complaint is construed so as to state some other claim or claims under 42 U.S.C. §1983, they would be barred on their face by the applicable statute of limitations. Under the circumstances, the Court will decline to entertain jurisdiction over plaintiff's pendent state claims. Accordingly, plaintiff's claim under 42 U.S.C. §1983 based on malicious prosecution is dismissed with prejudice. Plaintiff's pendent state claims are dismissed without prejudice. The costs of this action are assessed against



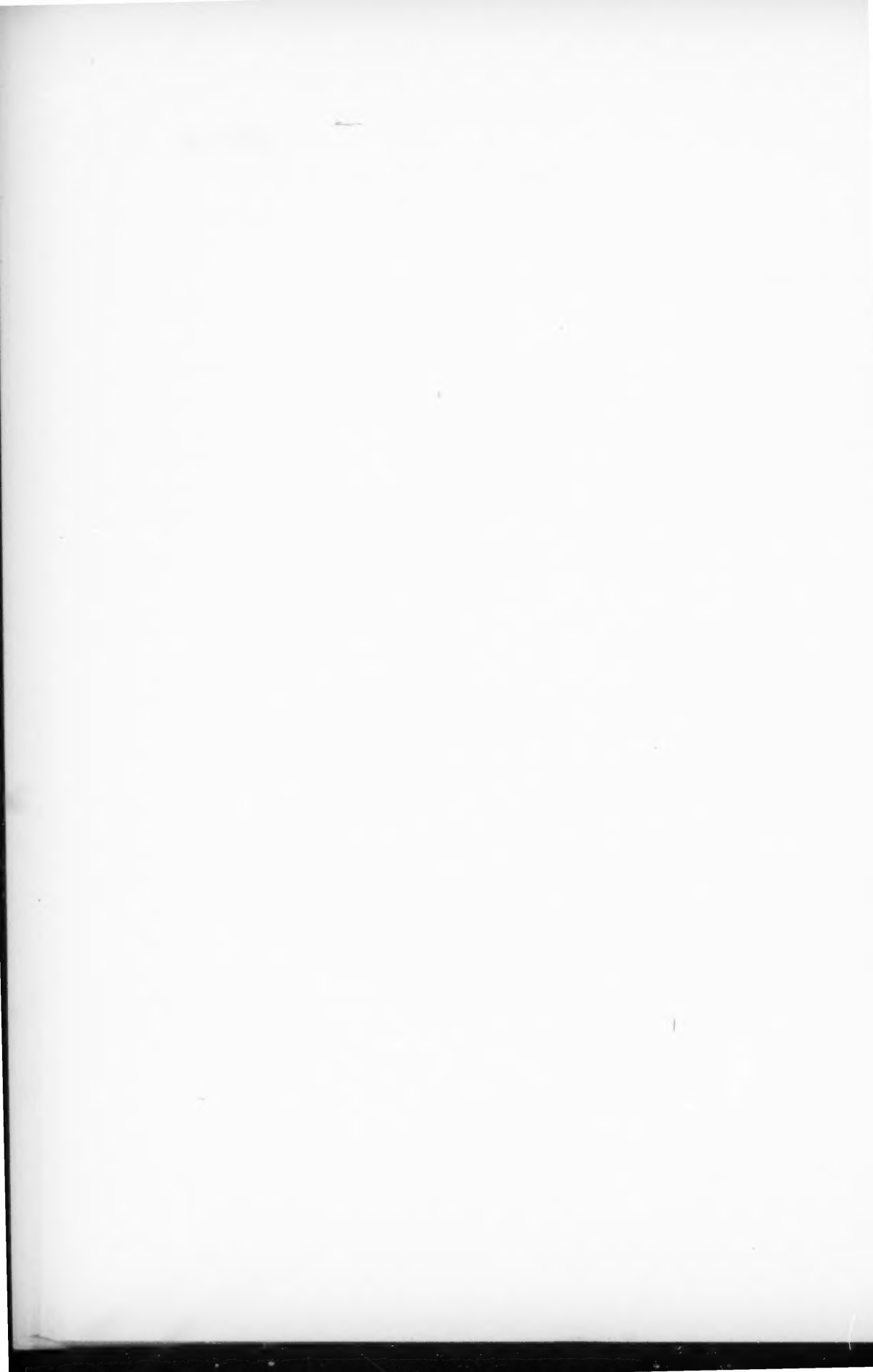
App.-9

the plaintiff.

It is so ORDERED.

____/s/ James L. Graham_____
JAMES L. GRAHAM
United States District Judge

DATE: October 18, 1989



Title 42 U.S.C. §1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Title 42 U.S.C. §1985 Conspiracy to interfere with civil rights

Preventing officer from performing duties

(1) If two or more persons in any State or Territory conspire to prevent, by force,



intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Obstructing justice; intimidating party, witness, or juror

(2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully,

or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Depriving persons of rights or privileges

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or

indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, as in furtherance of the object of such conspiracy, whereby another is injured in his person or

property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

O.R.C. §2305.09 Four years; certain torts.

An action for any of the following causes shall be brought within four years after the cause thereof accrued:

(A) For trespassing upon real property;

(B) For the recovery of personal property, or for taking or detaining it;

(C) For relief on the ground of fraud;

(D) For an injury to the rights of the plaintiff not arising on contract nor enumerated in sections 2305.10 to 2305.12, inclusive, 2305.14 and 1304.29 of the Revised Code.

If the action is for trespassing under ground or injury to mines, or for the wrongful taking of personal property, the causes thereof shall not accrue until the wrongdoer is discovered; nor, if it is for fraud, until the fraud is discovered.

O.R.C. §2305.10 Bodily injury or injury to personal property.

An action for bodily injury or injuring personal property shall be brought within two

years after the cause thereof arose.

For purposes of this section, a cause of action for bodily injury caused by exposure to asbestos or to chromium in any of its chemical forms arises upon the date on which the plaintiff is informed by competent medical authority that he has been injured by such exposure, or upon the date on which, by the exercise of reasonable diligence, he should have become aware that he had been injured by the exposure, whichever date occurs first.

For purposes of this section, a cause of action for bodily injury incurred by a veteran through exposure to chemical defoliants or herbicides or other causative agents, including agent orange, arises upon the date on which the plaintiff is informed by competent medical authority that he has been injured by such exposure.

As used in this section, "agent orange," "causative agent," and "veteran" have the same meanings as in section 5903.21 of the Revised

Code.

For purposes of this section, a cause of action for bodily injury which may be caused by exposure to diethylstilbestrol or other nonsteroidal synthetic estrogens, including exposure before birth, arises upon the date on which the plaintiff learns from a licensed physician that he has an injury which may be related to such exposure, or upon the date on which the exercise of reasonable diligence he should have become aware that he has an injury which may be related to such exposure, whichever date occurs first.

O.R.C. §2305.11 Time limitations for bringing certain actions; definitions.

(A) An action for libel, slander, malicious prosecution, or false imprisonment, an action for malpractice other than an action upon a medical, dental, optometric, or chiropractic claim, or an action upon a statute for a penalty or forfeiture, shall be commenced within one year after the cause of action accrued, provided

that an action by an employee for the payment of unpaid minimum wages, unpaid overtime compensation, or liquidated damages by reason of the nonpayment of minimum wages or overtime compensation shall be commenced within two years after the cause of action accrued.

West's Ann. Cal. C.C.P. §340 One year

Within one year:

(1) Statutory penalty or forfeiture to individual and state. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation.

(2) Statutory forfeiture or penalty to state. An action upon a statute for a forfeiture or penalty to the people of this state.

(3) Libel, slander, assault, battery, false imprisonment, seduction, injury or death from wrongful act or neglect, forged or raised checks, injury to animals by feeder or veterinarian. An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a

forged or raised check, or a check that bears a forged or unauthorized endorsement, or against any person who boards or feeds an animal or fowl or who engages in the practice of veterinary medicine as defined in section 4826 of the Business and Professions Code, for such persons neglect resulting in injury or death to an animal or fowl in the course of boarding or feeding such animal or fowl or in the course of the practice of veterinary medicine on such animal or fowl.

West's Ann. C.C.P. §343 Four years; relief not otherwise provided for

ACTIONS FOR RELIEF NOT HEREINBEFORE PROVIDED FOR. An action for relief not hereinbefore provided for must be commenced within four years after the cause of action shall have accrued.

Wis. Stat. Ann. §893.53. Action for injury to character or other rights

An action to recover damages for an injury

to the character or rights of another, not arising on contract, shall be commenced within 6 years after the cause of action accrues, except where a different period is expressly prescribed, or be barred.

Wis. Stat. Ann. §893.54. Injury to the person

The following actions shall be commenced within 3 years or be barred:

(1) An action to recover damages for injuries to the person.

(2) An action brought to recover damages for death caused by the wrongful act, neglect or default of another.